

**SUBCHAPTER 511**

**CLASSIFICATION PROGRAM**

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**SUBCHAPTER 511****CLASSIFICATION PROGRAM**

- References:**
- (a) DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
  - (b) Chapters 51 and 53, Subchapter IV, Section 5346, of title 5, United States Code.
  - (c) Title 32, United States Code.
  - (d) Title 5, Code of Federal Regulations, Parts 511 and 532, Subparts F and G

**A. PURPOSE**

This Subchapter implements Department of Defense (DoD) policy and procedures; assigns responsibilities; and, defines coverage, exclusions, and terms relating to the DoD Classification Program. These provisions apply to all aspects of the Program for the General Schedule (GS) and Federal Wage System (FWS) unless otherwise specified. This Subchapter creates a DoD system for employees to appeal the classification of their positions with the Department of Defense as the employing agency or through the DoD Civilian Personnel Management Service (CPMS) to the Office of Personnel Management (OPM). It also creates a DoD system for managing consistency reviews that result from classification appeals and other reviews that are deemed necessary by OPM, Office of the Secretary of Defense (OSD) staff, or the DoD Components.

**B. POLICY**

It is DoD policy under DoD Directive 1400.25 (reference (a)) that:

1. Secretaries of the Military Departments, Directors of Defense Agencies and DoD Field Activities with independent appointing authority, and the OSD Director of Administration and Management shall exercise classification authority and are encouraged to redelegate it to the lowest practical level. DoD officials with delegated classification authority shall classify positions consistent with published classification standards, according to the principle of equal pay for substantially equal work. Officials shall also comply with classification appeal processing, certificate, and consistency review requirements.

2. DoD supervisors and managers who direct the work of an organizational unit are responsible and accountable for organizing work in an efficient, effective manner, and for optimizing resources to carry out the missions of their organizations. They shall ensure that employees have copies of their position descriptions (PDs), and shall objectively, expeditiously, and fairly consider employee concerns over the accuracy of their PDs, the classification of their positions, and formal classification appeals.

3. DoD employees are entitled to present classification appeals under this Subchapter and to communicate with supervisors or managers and officials in their servicing Civilian Personnel Offices/Human Resource Offices (CPOs/HROs) without restraint, coercion, discrimination, or fear of reprisal. Employees are entitled to be represented by someone of their choosing in

presenting their appeals. Employees and their representatives shall have full access to information relevant to their pending appeal and be permitted a reasonable amount of official duty time, if in a duty status at the employing activity, to prepare an appeal and to communicate with management and personnel officials. Filing a classification appeal does not affect any other rights or privileges that employees may have under other provisions of law or regulation. Concerns over the accuracy of the PD shall be processed under the appropriate dispute resolution procedure.

### C. **DEFINITIONS**

1. **Agency**. For purposes of this Subchapter, DoD is the agency, as defined in 5 U.S.C. 101, 105, 5102, and 5342 (reference (b)).

2. **Appeal or Group Appeal**. A written request by an employee, a group of employees occupying identical positions, or by an agency, under 5 U.S.C. 5103 or 5112 (reference (b)), asking DoD or OPM to change the official pay plan, title, series, or grade of a position.

3. **Appeal File**. A file containing all official documents or copies of official documents related to the appeal.

4. **Classification Certificate**. A final classification appeal decision issued by deciding officials on the classification of a position. It may also be referred to as a certificate or an appeal decision in this document.

5. **Consistency Plan**. A part of the consistency report, the written plan to review positions that may be inconsistently classified.

6. **Consistency Report**. A written, phased report to advise of the initial, interim, or final results of a consistency review.

7. **Consistency Review**. A review directed when there is a probability that identical, similar, or related positions may be inconsistently classified.

8. **Core Document (CD)**. A document that contains a description of the officially assigned duties and responsibilities that also includes integrated information for position classification, staffing, performance measurement, and training. This term is interchangeable with the term, PD, for purposes of this Subchapter. This term is also synonymous with the term, core personnel document (CPD), as used in the Air Force.

9. **Days**. Calendar days.

10. **Deciding Officials**. Persons delegated authority to make final classification appeal decisions.

11. **DoD Component**. The OSD; the Military Departments (including Air and Army National Guard); the Chairman of the Joint Chiefs of Staff; the Inspector General of the Department of

Defense (IG, DoD); the Defense Agencies, except the National Security Agency (NSA), the Defense Intelligence Agency (DIA); and the National Imagery and Mapping Agency (NIMA); and, the DoD Field Activities.

12. **Employee**. Except those employees excluded in Subsection D.2., below, a current DoD employee as defined in 5 U.S.C. 5102 (reference (b)) (includes 32 U.S.C. 709 (reference (c)) National Guard Technicians). This definition also includes an employee whose death occurs after filing but before the final appeal decision when there is an entitlement to retroactive benefits.

13. **Employee Representative**. An individual designated in writing by an employee to advise or represent the employee in a classification appeal.

14. **Identical Position**. A position whose duties, responsibilities, and qualifications are identical to the certified position; i.e., shares the same PD or CD (also known as identical additional).

15. **Position Description (PD)**. A description of the officially assigned duties and responsibilities that also includes sufficient information on classification and qualification factors. This term is interchangeable with CD and CPD for purposes of this Subchapter.

16. **Reconsideration Request**. A written request to reopen a classification appeal.

17. **Related Position**. One whose classification is dependent upon the classification of the certified position; e.g., supervisor and leader positions.

18. **Similar Position**. One whose duties, responsibilities, and qualifications are so closely related to the appealed position that identical classification is required.

19. **Standardized Position Description (SPD)**. A description of the officially assigned work that is general enough to cover many positions and contains sufficient information on classification and qualification factors. This term is interchangeable with the term, standardized core document (SCD), for purposes of this Subchapter. This term is also synonymous with the term, standardized core personnel document (SCPD), as used in the Air Force.

20. **Suspension Request**. A written request to suspend the required implementation of a classification certificate that directs a change in the classification of a position.

21. **Temporary Compliance Request**. A written request to implement a classification certificate using temporary promotion or reassignment authority to allow employees any immediate benefits, pending final resolution of a case under reconsideration.

#### **D. APPLICABILITY AND COVERAGE**

1. **Organizations**. This Subchapter applies to the DoD Components, except as excluded by 5 U.S.C. 5102 (reference (b)).

2. **Employees and Positions.** This Subchapter covers bargaining unit and non-bargaining unit employees under the GS and FWS pay systems. This Subchapter does not cover employees and positions excluded by 5 U.S.C. 5102(c) (reference (b)), except for those in 5 U.S.C. 5102(c)(7) (reference (b)) under the FWS pay system; in the Senior Executive Service (SES); Senior Level (SL); Scientific and Technical (ST); nonappropriated fund (NAF); Civilian Intelligence Personnel Management System (CIPMS); or, non-U.S. citizens.

3. **Appealable Issues.** Except as identified in Subsection D.1. and 2., above, this Subchapter applies to any appeal relating to the classification of the position (i.e., the title, series, grade, or pay system) that an employee or group of employees officially occupies.

4. **Nonappealable Issues.** This Subchapter does not apply to:

- a. The accuracy of the official PD, including the inclusion or exclusion of a major duty;
- b. An assignment or detail outside the range of the official PD;
- c. The accuracy, consistency, or use of DoD or DoD Component-unique supplemental classification guidance; or,
- d. Position titles not prescribed by OPM classification standards; i.e., constructed position titles or optional parenthetical titles.

5. **Nonappealable and Nonreviewable Issues.** The following are both nonappealable and nonreviewable:

- a. The class, grade, or pay system of a proposed position or one to which the employee is not assigned by an official personnel action;
- b. The class, grade, or pay system of a position to which the employee is officially detailed or temporarily promoted on a time-limited basis, except that employees serving under time-limited promotion for 2 years or more may appeal the classification of their positions;
- c. The classification of a position based on position-to-position comparisons rather than the classification standards;
- d. The accuracy of grade level criteria contained in an OPM classification guide or standard used to classify a position;
- e. The classification of a position for which a CPMS, DoD Component, or OPM appeal decision has previously been rendered unless there has been a subsequent change in the governing classification standard(s) or a material change in the major duties of the position;
- f. The rate of pay;

- g. The propriety of a wage schedule; or,
- h. Matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

## **E. CLASSIFICATION APPEALS PROCEDURES**

### **1. Appeal Submission**

a. **Filing.** GS employees may file an appeal with CPMS, OPM, or through CPMS to OPM. FWS employees must appeal to and receive an appeal decision from CPMS before appealing to OPM. An appeal to OPM cancels any GS appeal pending with CPMS. Employees must submit their appeals through the servicing Civilian Personnel Office/Human Resource Office (CPO/HRO). This procedure will ensure appeal files contain all required information and is not intended to discourage employees from exercising their appeal rights.

b. **Time Periods.** Employees may file an appeal under this Subchapter at any time. However, when the issue involves a downgrade or any other action that resulted in a loss of grade or pay, in order to preserve any entitlement to retroactive correction, employees must file any appeals no later than 15 calendar days after the effective date of the subject personnel action. FWS employees who file subsequent appeals to OPM must file within 15 calendar days after the date of receipt of the CPMS appeal decision. When employees show that they did not receive notice of the applicable time limit or were prevented from timely filing by circumstances beyond their control, deciding officials may grant an extension of the appeal period.

c. **Documentation.** To expedite the process, employees must ensure that their appeal includes one copy of all the written documentation listed in Appendix A of this Subchapter and complies with the required time periods. If any documentation is missing, deciding officials may suspend case processing and request required documents from the servicing CPO/HRO or the employee, as appropriate, before proceeding. If deciding officials do not receive the required documents within the time periods specified, they may cancel the appeal.

d. **PD Accuracy.** Deciding officials shall return appeals that do not contain official PDs certified as accurate by the employee and supervisor to allow for resolution. If the employee believes the official PD is not accurate, the employee must seek resolution of that issue through the appropriate dispute resolution procedure before submitting the classification appeal.

e. **Employee Claims of Classification Inconsistency.** Employees may only appeal the classification of their positions based upon a comparison with the classification standards. Employees claiming classification inconsistency may do so only as an integral part of a formal classification appeal. See Appendix A of this Subchapter for required information.

2. **Employee Representation.** An employee presenting an appeal may be represented by a representative of his or her own choosing (including a union representative). The designation of a

particular representative may be disallowed where the activities of the chosen representative would create a conflict of interest, conflict with mission priorities, or result in unreasonable cost. Under such circumstances, an employee wanting representation will be requested to select another representative. Specifically, an employee's representative cannot be a supervisor with line or staff authority over the position, any official having classification authority over the position, or any personnel staff member. Employee representatives have the same obligation to cooperate in prompt processing of the appeal as the employees. Employee representatives generally may not participate in on-site audits and fact-finding unless specifically requested by deciding officials, or unless a binding labor-management agreement provides otherwise.

3. **Official Time Use.** Supervisors or managers may provide employees and their representatives with a reasonable amount of time for the preparation of a classification appeal. Employees and their representatives must make advance arrangements with their supervisors for the use of official time. Disagreements will be referred to succeeding levels of management and to the head of the activity for final resolution, as necessary.

4. **Employee Case File Assistance.** Servicing CPOs/HROs shall provide assistance to employees by making available regulatory material; certifying the accuracy of the PD; involving management officials with delegated classification authority, as appropriate; reviewing the technical merits of the case; assembling the appeal submission and case file; making the case file available; advising on requirements for retroactive corrective action; and, providing other management advisory services as necessary. If the responsible classification authority at the activity level where the determination originated agrees with the employee's initial request, it will take the appropriate corrective action; otherwise it forwards the complete case file for adjudication.

a. **Time Periods for Initial Case File Processing.** Servicing CPOs/HROs shall assemble and forward the employee's appeal file and the servicing CPO's/HRO's administrative report to CPMS within 15 calendar days of receipt of the employee's formal appeal, unless CPMS deciding officials grant a longer time period.

b. **Time Periods when Additional Information Required.** Employees, their representatives, and servicing CPOs/HROs shall provide requested information within 15 calendar days from the date of the request.

5. **Appeal Adjudication.** CPMS shall make final Agency classification determinations within 60 calendar days from date of receipt of a complete appeal file. CPMS shall notify the employee, the representative, if designated, the DoD Component, and the servicing CPO/HRO upon receipt of the appeal. CPMS shall adjudicate an appeal based on the written record and may conduct an audit or collect additional information if deemed necessary. CPMS shall provide an analysis of the duties performed by the employee compared with appropriate standard(s), advise the employee of his or her right to appeal to OPM, and set the effective date for any required corrective action. CPMS shall provide the appeal decision directly to the employee with information copies to the DoD Component and the servicing CPO/HRO. CPMS appeal decisions constitute certificates



that are binding on all administrative, certifying, payroll, disbursing, and accounting offices within DoD; however, the DoD Components may request reconsideration.

## 6. **Appeal Cancellation**

a. **Employee Cancellation.** An employee may cancel an appeal at any time by written notification to the CPMS deciding official, with an information copy to the servicing CPO/HRO.

b. **Servicing CPO/HRO Cancellation.** When circumstances occur that warrant cancellation of an appeal as defined in Subsection 6.c., below, the responsible servicing CPO/HRO (e.g., where the classification authority exists) will provide written notification to CPMS and include an explanation of the nature and circumstances of the change.

c. **CPMS Cancellation.** CPMS shall provide written notification to employees, their representatives, and servicing CPOs/HROs, with an information copy to the DoD Component, when a deciding official cancels an appeal. CPMS shall not reopen an appeal canceled for non-cooperation unless the employee was unable to provide requested information for reasons beyond his or her control. CPMS shall cancel an appeal when one or more of the following occurs:

(1) The employee or representative:

(a) Withdraws the appeal; or,

(b) Does not furnish requested information within requested time period; or, otherwise fails to cooperate.

(2) When the employee:

(a) Dies and there is no entitlement to retroactive benefits; or,

(b) Is no longer officially assigned to or is removed from the position.

(3) The duties and responsibilities assigned to the appealed position are significantly changed while the appeal is pending; or,

(4) The position is abolished.

An employee's detail or temporary promotion to another position shall not cancel an appeal.

## 7. **Compliance with Classification Appeal Decisions**

a. **Prompt Review and Coordination of Appeal Decisions.** All parties shall take prompt action to review appeal decisions that change the title, series, or grade of a position. A servicing CPO/HRO or DoD Component head who believes a classification appeal decision is in error shall forward the request for reconsideration, suspension, or temporary compliance to

CPMS within 45 calendar days of the date of the original appeal decision. Under exceptional circumstances, deciding officials may extend the 45-day deadline.

(1) **Reconsideration of Appeal Decision Certificates.** Reconsideration of an appeal decision does not automatically suspend the requirement to implement the decision. DoD Component management shall direct requests through the DoD Component headquarters to CPMS. A request for reconsideration must specify whether a suspension of the appeal decision is being requested. Requesters must provide a complete explanation of why they believe the original decision to be technically inaccurate; or must identify material facts not previously presented that would justify a change to the original appeal decision; and must identify any DoD Component-wide perspective, if appropriate.

(2) **Suspension of Appeal Decisions.** Suspension of an appeal decision preserves potential retroactive benefits. CPMS deciding officials will consider a suspension request only if the request establishes a basis for reconsideration. When a deciding official grants a suspension, servicing CPOs/HROs must implement a certificate sustained on reconsideration retroactively as of the date specified in the original certificate unless it directs a downgrade. Deciding officials will establish a new effective date in the reconsideration decision in these cases.

(3) **Temporary Compliance Authority Requests.** Temporary compliance authority prevents subsequent adverse action if the certificate is reversed. DoD Components shall initiate requests, as appropriate, to CPMS in a timely manner. Servicing CPOs/HROs may not use temporary compliance procedures to delay the implementation of any certificates.

b. **Adherence to Certificates.** Servicing CPOs/HROs shall comply with effective dates specified in the decision letters. Servicing CPOs/HROs desiring additional implementation time (other than requests for reconsideration, suspension, or temporary compliance) must submit requests to CPMS, with an information copy to the DoD Component. In conjunction with implementation of a certificate, servicing CPOs/HROs and management officials with delegated classification authority will take necessary classification action on any identical, similar, or related positions. Servicing CPOs/HROs and management officials with delegated classification authority will not change the classification of certified positions unless there is a change in the statute, regulation, or classification standard(s) used to evaluate the position, or there is a significant change in the position's major duties and responsibilities.

c. **Appeal Decisions Involving Downgrades that Impact Identical Positions or Standardized Position Descriptions.** Whenever an appeal decision reduces the grade of a position, the responsible servicing CPO/HRO must promptly notify all affected employees (including employees entitled to retained grade or pay) of the decision and the reasons for the reclassification. Such notices must advise affected employees of any appeal rights and specify time limits to establish or preserve any right to retroactive adjustment. The responsible servicing CPO/HRO must ensure that the decision is clearly applicable to the other positions and must not treat it as automatic.

d. **Wrongful Demotions.** Servicing CPOs/HROs shall review all administrative actions taken after a wrongful demotion and reconstruct each action based on the correct classification as specified in the appeal decision, with full regard to the rules governing effective dates.

e. **Reports of Compliance.** Servicing CPOs/HROs must provide a copy of compliance reports upon implementation of an OPM classification certificate to their DoD Component headquarters and CPMS. Servicing CPOs/HROs must provide a compliance report to CPMS upon implementation of a CPMS certificate, with an information copy to the DoD Component.

#### **F. CLASSIFICATION APPEALS PROCEDURES UNDER DEMONSTRATION**

**PROJECT AUTHORITY.** DoD Components under approved demonstration project authority shall specify procedures for filing classification appeals in their Federal Register Notices. Demonstration project-unique terminology may be used in the Federal Register Notice and minor modifications to appealable issues may be made; however, the following general procedures must be incorporated.

1. **Filing.** An employee may appeal the occupational series, title, or broadband level of his or her position at any time. An employee must formally raise the areas of concern to supervisors in the immediate chain of command, either verbally or in writing. If an employee is not satisfied with the supervisory response, he or she may then appeal to CPMS. If an employee is not satisfied with the CPMS response, he or she may then appeal to OPM, only after CPMS has rendered a decision under the provisions of the demonstration project. Appellate decisions from OPM are final and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.

2. **Time Periods.** Time periods for case processing under 5 CFR (reference (d)), as specified in this Subchapter, apply.

3. **Nonappealable Issues.** An employee may not appeal the accuracy of the PD, the demonstration project classification criteria, or the pay-setting criteria; the propriety of a salary schedule; or matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

4. **Evaluation of Appeals.** The evaluation of classification appeals under the demonstration project is based upon the demonstration project classification criteria. Case files will be forwarded for adjudication through the CPO/HRO providing personnel service and will include copies of appropriate demonstration project criteria.

#### **G. CONSISTENCY REVIEW PROCEDURES**

1. **CPMS-Initiated and OPM-Initiated Consistency Reviews.** CPMS shall initiate, or manage, or initiate and manage the conduct of all consistency reviews resulting from classification appeal decisions issued by CPMS or OPM and other reviews necessary for Department-wide consistency purposes. CPMS shall request the DoD Component's assistance via the DoD Component headquarters chain-of-command. CPMS may expand OPM-initiated consistency

reviews to other DoD Components if determined appropriate. The DoD Components or servicing CPOs/HROs shall identify, review, and correct the classification of all identified positions; submit a report that they have classified all identical, similar, or related positions consistently; or submit a plan, timetable, and proposed progress reporting schedule for reviewing the positions if they are inconsistent; and, process resultant actions.

a. The report shall contain a copy of the PD; and, either a statement that all identical, similar, or related positions within the DoD Component are classified consistently, or a plan for reviewing the positions identified to be inconsistent. The report shall include the numbers of positions reviewed and the number of position actions taken (e.g., number of positions upgraded, downgraded, abolished, series changes, etc.). Servicing CPOs/HROs reporting positions that initially appear to be similar shall explain how differences result in different classifications. CPMS shall perform any necessary final technical reviews, resolve differences, and issue all final consistency reports for reviews initiated by OPM.

b. The plan shall outline the tentative identification and location of all inconsistently classified positions; a timetable for completing the review; and, a schedule for interim progress reporting, as appropriate. If required, plans are due 90 calendar days from the date of the letter requiring the consistency report. Time periods for interim progress reports and a final report are dependent upon the scope of the review. Deciding officials may also specify time periods in the letter requiring the review.

2. **DoD Component-Initiated Consistency Reviews.** The DoD Components may conduct reviews whenever they find reason to believe that identical, similar, or related positions are classified inconsistently after coordinating the project with CPMS, who will ascertain any cross-Component effect. Where there is cross-Component effect, CPMS will lead the review. Where there is no cross-Component effect, Components will proceed with the review and provide CPMS a copy of the final product.

3. **Scope of Consistency Reviews.** Consistency reviews should be restricted to positions performing the same grade-controlling work in organizations similar to those outlined in the certificate. Related positions, e.g., supervisors or team leaders, should also be reviewed, if their classification is dependent on the classification of the certified position(s).

## **H. OCCUPATIONAL STUDIES, DEVELOPMENT, AND IMPLEMENTATION**

1. **OPM Occupational Studies.** Upon OPM study notification, CPMS shall notify the DoD Components within 1 week if data supplemental to the OPM standard data is required or if any other exceptions exist. Any required supplemental occupational study data are due to CPMS 2 weeks prior to the required OPM deadline, unless otherwise specified.

a. **Occupational Standard Development Studies.** CPMS shall obtain OSD staff functional input. The DoD Components or servicing CPOs/HROs shall provide the study data directly to OPM within the required time period, with an information copy of the transmittal letter to CPMS.

b. **Draft Classification Standards Reviews.** The DoD Components or servicing CPOs/HROs shall collect draft standards review data and provide it to CPMS 2 weeks prior to the required OPM deadline, unless otherwise specified. CPMS shall obtain and incorporate OSD functional input into the DoD-consolidated response. The DoD Components or servicing CPOs/HROs shall request any required extensions to time periods from CPMS.

c. **OPM Classification Standards Implementation.** Within DoD, the official receipt of newly released classification standards is considered to be 5 days after the standard appears on the OPM website. The DoD Components or servicing CPOs/HROs shall apply newly released classification standards to all vacant positions upon receipt. The DoD Components or servicing CPOs/HROs shall have a goal of implementing newly released classification standards for encumbered positions (electronic or hard copy) within 6 months of receipt. If extenuating circumstances exist that warrant exceptions as described below, the DoD Components or servicing CPOs/HROs shall begin implementation of newly released classification standards for encumbered positions (electronic or hard copy) within 6 months of receipt and complete implementation within 1 year of receipt. CPMS may initially extend the implementation schedule upon issuance of a classification standard that impacts a wide span of the workforce or for other equally extenuating circumstances that warrant exceptions. CPMS, the DoD Components and servicing CPOs/HROs, in turn, shall consider pay equity, fairness, workforce reduction, priority placement, and other consistency-related issues in implementing new classification standards and in extending schedules. The DoD Components requiring extensions of implementation periods must request extensions from CPMS.

## 2. **DoD and DoD Component Interpretive Guidance**

a. **DoD and DoD Component Interpretive Guidance or CD Software Application Development.** CPMS shall coordinate with the DoD Components, as appropriate, and issue any guidance required for consistent interpretation of OPM standards for common functions. DoD Components may issue any similar guidance required for consistent interpretation of the OPM standards or work organization for DoD Component-unique functions. The DoD Components shall provide copies of final guidance to CPMS when issued.

b. **Interpretive Guidance Implementation.** Interpretive guidance (electronic or hard copy) must be implemented within the time periods specified in the issuing guidance or implementation plan.

c. **CD Software Application Implementation.** Unless otherwise specified, there is no mandatory implementation period for CD software applications.

## I. **POSITION COVERAGE DETERMINATIONS FOR SPECIAL RETIREMENT**

When air traffic controller, firefighter, and law enforcement officer positions are established or significantly changed, servicing CPOs/HROs must initiate and process position coverage determinations in accordance with Subchapters 332, 830 or 840, of this Manual, as appropriate.